

32. The method according to claim 18, wherein the formulation further comprises a second agrochemically active compounds, a surfactant, a fertilizer or a customary adjuvant.

33. The method according to claim 32, wherein the formulation comprises a herbicide and a safener and/or a plant growth regulator.

34. The method according to claim 18, wherein the agrochemically active compound is iodosulfuron or a salt thereof and the polymer is polyvinyl alcohol.

35. The method according to claim 18, wherein the harmful organism is a plant.

REMARKS

The present invention relates to combinations of crop protection agents with those oligomeric or polymeric auxiliaries which form hydrogen bonds with suitable functional groups of the active compound and permit a controlled release of an active compound. The combinations can be used to increase crop selectivities and to reduce antagonisms and give particularly good results in the case of herbicides, in particular in the case of mixtures of herbicides with growth regulators and safeners.

Pursuant to 37 C.F.R. § 1.136(a), Applicants petition the Assistant Commissioner to extend the time to file a response to the outstanding Office Action by three-months. A check for \$930.00 is enclosed. It is believed that no further fee is due. If, however, any additional fee is required, the Assistant Commissioner is authorized to charge such fee to Deposit Account No. 50-0320.

The Amendment cancels all the claim in favor of new claims 18 to 36. Support for the new set of claims is found in the claims which they replace as well as in the specification on page 2, lines 25 to 30. Applicants are making these changes in order to advance prosecution and

not for reasons related to patentability. Applicants reserve the right to file a dismissal application directed to the cancelled subject matter.

Claim 34 is directed to the elected species. All the claims read up to the elected species.

The rejection of claims 11 and 12 under 35 U.S.C. § 101 and claims 3 to 6, 8 and 13 to 16 under 35 U.S.C. § 112, second paragraph, for reciting various informalities is rendered moot by the new set of claims.

Claims 1 to 3, 5, 7 to 10, and 13 to 16 stand rejected under 35 U.S.C. § 102(a) and (b) for allegedly being anticipated by Hansen et al., US 5,693,411 (“Hansen”) and claims 1 to 5, 7 to 10, 13 to 16 stand rejected under 35 U.S.C. § 102(a) and (b) as being anticipated by Hokko Chem, JP 10-273405 (“Hokko Chem”). Moreover, claims 1 to 10 and 13 to 17 stand rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over the combined teachings of Hokko Chem, Varkonda et al., (“Varkonda”), and Hoshi (US 6,211,118). As these rejections are similar, they will be addressed collectively. Applicants urge that these prior publications, taken alone or in any fair combination, do not teach or suggest the present invention.

The present claims are directed to a method for controlling harmful organism by applying a formulation comprising a combination of at least one agrochemically active compound and a polymer that comprises at least one functional group which interacts electrostatically with said agrochemically active compound through the formation of hydrogen bonds to the harmful organism or to an environment where the harmful organism resides. The invention method provides for the controlled release of the agrochemically active compound to the harmful organism or environment where it resides.

Applicants respectfully urge that neither Hansen nor Hokko Chem teaches the present claims since these prior publications do not teach each and every element of the invention as

claimed. For example, these prior publications do not disclose controlling the harmful organism by the controlled release of the agrochemically active compound. Further, these prior publications provide absolutely no motivation that the controlled release of the active agent in formulation would result in a better formulation and overcome the problems associated with these formulations, such as increasing selectivity and reducing antagonism. As Varkonda does not correct for the deficiencies found in Hansen or Hokko Chem, the rejection does not establish a *prima facie* case of obviousness. Accordingly, reconsideration and withdrawal of this rejection are requested.

Favorable action is earnestly solicited.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 

Mark W. Russell

Reg. No. 37,514

Telephone: (212) 588-0800

Facsimile: (212) 588-0500